

YOUTH SERVICES POLICY

Title: Employee Subpoenas, Notices of Hearing, Discovery, and Legal Correspondence Next Annual Review Date: 05/21/2011	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.43
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References: None	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 05/21/2010

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish procedures for employees when they receive any of the following pertaining to Youth Services (YS) employment: subpoena; notice of hearing; interrogatories; any correspondence from a court, an attorney or administrative body; or any other court related or legal document pertaining to Youth Services employment.

III. APPLICABILITY:

All Youth Services employees.

IV. DEFINITIONS:

Interrogatories, Request for Production of Documents - discovery requests from a party through his lawyer, if he is represented, asking for answers to questions and/or production of specified documents.

Legal Correspondence - any letter or other document from an attorney, an attorney's office, court or administrative body.

Notice of Hearing - Notice sent by a court to parties advising them of the scheduling of a court hearing.

Subpoena - an order summoning a person to court.

- a. Subpoena to appear and give testimony (sometimes called a *subpoena ad testificandum*)
- b. Subpoena to produce documents or other evidence (sometimes called a *subpoena duces tecum*)

V. POLICY:

Supervisors and legal staff must be notified of any subpoena, court hearing notice, discovery request, or other legal correspondence to ensure prompt action and response, adequate representation at court, and proper and timely responses to discovery.

VI. PROCEDURES:

Except as provided in VI.C. below, when a subpoena is received, the employee must proceed as follows:

A. Subpoena to Appear and Testify (*subpoena ad testificandum*):

1. Civil Service, Worker's Compensation, and Unemployment Benefits hearings:

Bring a copy of the subpoena to his/her supervisor for scheduling the employee's required absence.

2. All other subpoenas to appear and testify, including juvenile courts:

Bring a copy of the subpoena to his/her supervisor for scheduling the employee's required absence. The supervisor shall immediately fax the subpoena to the Central Office Legal Section, and immediately notify their respective unit head.

B. Subpoena to Produce Documents (*subpoena duces tecum*):

1. Civil Service, Worker's Compensation, and Unemployment Benefits hearings:

Bring a copy of the subpoena to his/her supervisor for scheduling the employee's required absence and contact the Human Resources Director at Central Office for instructions on how to respond to the subpoena.

2. All other subpoenas to produce documents, including juvenile courts:

Bring a copy of the subpoena to his/her supervisor for scheduling the employee's required absence. The supervisor shall immediately fax the subpoena to the Central Office Legal Section, and immediately notify respective unit head.

C. Notice of Hearing:

The Regional Office Manager shall forward subpoenas and/or notices of hearings which are not routine and may require Legal review to the Central Office Legal Section.

D. Other Correspondence:

If an employee receives any other court document or correspondence from a court or attorney, he/she must bring it to his/her supervisor who will immediately fax the document to the Central Office Legal Section, and notify unit head.

Previous Regulation/Policy Number: A.2.43

Previous Effective Date: 01/29/09

Attachments/References: